Declassified and Approved For Release 2011/12/19 : CIA-RDP90-00965R000706870010-6

TIME
2 June 1986

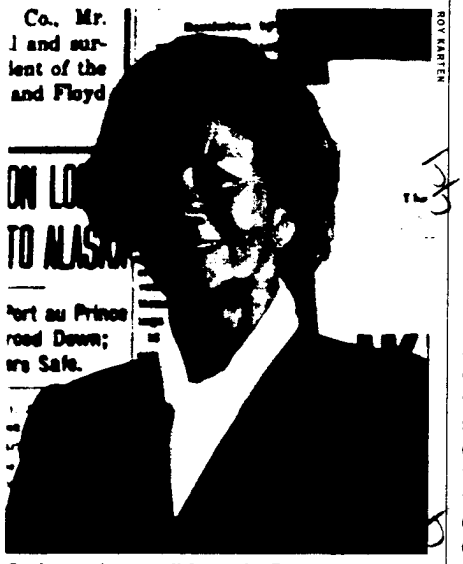
ARTICLE APPEARED ON PAGE 67

Press

Questions of National Security

The CIA tangles with the Washington Post *and NBC*

Sitting in the backseat of a U.S. marshal's car, Ronald Pelton betrayed little emotion last week as he arrived for the start of his espionage trial in a Baltimore courthouse. For 14 years, Pelton worked in a low-level computer job at the top secret National Security Agency. He had a knowledge of Russian, access to sensitive intelligence data and, in later years, money troubles. After Pelton left the NSA in 1979, according to federal authorities, he started selling information to the Soviets.



Graham: phone call from the President

Accused spies like Pelton have been a cause of growing concern to the U.S. intelligence community. Lately, however, they have begun raising problems for the press as well. In covering spy cases, the media face a delicate dilemma: How much can they report about the secrets involved without further harming U.S. security? Two news organizations grappled with that question last week under the hostile gaze of CIA Director William Casey.

The first report to rouse Casey's ire came on Monday's edition of NBC's *Today* show. Giving a preview of the Pelton trial, Correspondent James Polk reported that the accused spy "apparently gave away one of the NSA's most sensitive secrets—a project with the code name Ivy Bells, believed to be a top-secret underwater eavesdropping operation by American submarines inside Russian harbors."

Polk's report gave Casey a chance to act on a warning he had issued three weeks earlier, when he said that he was weighing legal action against several publications for allegedly printing details of U.S. intelligence-gathering operations. His weapon: Section 798 of Title 18 of the U.S. Code. Passed into law in 1951, the statute forbids the disclosure of classified information about secret codes and other communications intelligence. Though no news organization has ever been prosecuted under the law, Casey cited the Washington *Post*, Washington *Times*, New York *Times*, TIME and *Newsweek* for unspecified violations.

Casey formally asked the Justice Department to consider prosecuting NBC for its report. Meanwhile, the Washington *Post* on Wednesday published another sensitive story on the Pelton case. The front-page article, however, had been abridged after numerous discussions with Casey and other Administration officials. The published story, written by Assistant Managing Editor Bob Woodward and Reporter Patrick E. Tyler, provided a relatively innocuous account of Pelton's encounters with Soviet agents. Removed were any technical details of the spying techniques that Pelton allegedly betrayed.

One thing the article did include was a revealing description of the *Post's* own encounters with Administration officials. Originally scheduled to run on May 4, the story was delayed after Casey met with editors to warn them of possible prosecution. On May 10, President Reagan took the extraordinary step of telephoning *Post* Chairman Katharine Graham. In what Graham described as a "very civilized, low-key conversation," Reagan stressed that the matter was of the highest security importance and warned that he would support prosecution if the *Post* printed the full account.

The high-level campaign succeeded. Though skeptical that the *Post* would be revealing any new information to the Soviets, Executive Editor Benjamin C. Bradlee said the paper withheld details because it was "unable fully to judge the validity of the national security objections of senior officials and because of *Post* lawyers' concerns." The CIA said it was reviewing the story the *Post* ran, but had not decided whether to seek prosecution. Fear of legal action "was less important to me than the question of whether you do in fact violate national security," Bradlee says. "In my heart, I think the Russians already know what we kept out of the story. But I'm not absolutely sure of it."

The week's activities did little to clear up confusion among news editors over just what constitutes a breach of the law in Casey's book. NBC News President Lawrence Grossman said the CIA's move "caught us by surprise," since the network had aired virtually the same report last November, when Pelton was arrested. Indeed, details on similar submarine eavesdropping operations were revealed in articles in the New York *Times* and Washington *Post* as early as the mid-1970s, and the code name Ivy Bells was used by Pelton's attorney in a pretrial hearing.

Intelligence officials argue that no matter what the Soviets may or may not know, press reports on secret operations can confirm important details. Moreover, officials say, the eavesdropping techniques may not be known to other countries that might be targets of U.S. surveillance.

While national security concerns are often taken into account on sensitive stories, news editors insist that the final decision on what to publish must be their own.

Pelton leaving the Baltimore courthouse

Casey has contacted the *Post* six times in the past year with objections to specific articles, according to *Post* editors, and in one case the paper killed the story. Others argue that Casey's campaign is misdirected. "The public has the idea that the press is constantly breaking secrets," says A.M. Rosenthal, executive editor of the New York *Times*. "The reality is that it is the U.S. Government and U.S. officials who are releasing information to serve their own political, bureaucratic or governmental ends."

Justice Department officials privately doubt that a news organization can be successfully prosecuted under Section 798. But the mere prospect of Government action could serve the same purpose. "We don't want to police the press," says a CIA spokesman. "We want the press to police itself." The dilemma is that unless a news organization is willing to risk criminal prosecution, it must rely on the CIA to tell it whether a story poses a threat to national security. As the sometime subject of such stories, the CIA may not always be the most objective judge. —***By Richard Zoglin. Reported by Joseph N. Boyce/New York and Alessandra Stanley/Washington***

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